

Remarks/Arguments

Reconsideration of the rejections set forth in the Final Office Action dated May 18, 2007 is respectfully requested. Applicant respectfully submits that the amendment places the application in condition for allowance or in better form for appeal.

In the Final Office Action, the Examiner rejected claims 1-3, 5, 7 and 8 as allegedly being anticipated by WO 99/35845 (“Wugofski”). In addition, the Examiner rejected claims 4 and 6 as allegedly being unpatentable over Wugofski in view of USP 5,895,462 (“Toki”). In response, claim 1 has been amended to more particularly and distinctly set forth the patentable subject matter of the present invention. Claims 1-8 are pending and are submitted for reconsideration.

Applicant appreciates the Examiner’s telephone call on May 3, 2007 and the courtesy the Examiner extended to Applicant in his efforts to better understand the subject invention. Regrettably, however, Applicant respectfully submits that the Examiner still misunderstood the instant invention, and must protest against the following:

1) Incomplete Interview Summary: the Examiner called on May 3, 2007 to mainly propose an Examiner’s amendment to combine claims 1 and 3, stating that such a combination would render the claims allowable. This proposal is not reflected in the Interview Summary as attached to the Final Office Action. Even if the Examiner changed his opinion at a later time, the proposal should still be included in the Interview Summary as it was not only part of the Interview, but the main reason the Examiner called.

2) Improper Final Status: As it is shown below with detail, the Examiner did not understand the subject invention and thus erroneously applied the teachings of the cited prior art. In view of such misunderstanding of the subject invention, the issuance of a final office action was premature.

Applicant respectfully requests that 1) the Interview Summary be corrected accordingly as per above; and 2) the final status of the Office Action of May 18, 2007 be withdrawn.

Applicant thanks the Examiner and Supervisor Alam for taking the time to discuss with Applicant's attorney Karry W. Wang on August 3, 2007 with respect to the above. Applicant appreciates the Examiner's assertion that at least an Advisory Action will be issued in response to this Response to Final Office Action.

I. The Invention

The instant invention teaches a directed search for a product or service included in a website which is advertised on TV, which the user had already seen but could not recall at a later time. It is not a searchable TV guide.

For example, suppose a user saw a TV commercial advertising a particular brand of breakfast cereal and a website for viewers to obtain more information. At a later time, the user wishes to know more about this cereal but could not recall its name or brand, or the website address that was advertised in the TV commercial. But he does remember that he saw the commercial when he was in San Francisco while on a business trip on June 5, 1997. Suppose he also recalls that he was watching NBC's "*Seinfeld*" and that the commercial was broadcast during the *Seinfeld* show.

Using a search system in accordance with the present invention, the user could find this breakfast cereal he saw on TV. He would access the search database online, and type in the following web site identifiers as recited in the claims:

- a) "Washington DC" as a location where the user saw the cereal commercial on TV;
- b) "June 5, 1997" as a date the user watched the commercial;
- c) "NBC" as call letters of the channel he watched; and

d) “Seinfeld” as the name of a TV program during its broadcast the user saw the cereal commercial.

Using the above web site identifiers, the database would provide the user a search result which would include a list of website addresses that were broadcast on TV during the broadcast of the TV program “*Seinfeld*” on June 5, 1997 in the Washington DC area. This list would include a web site address for the breakfast cereal the user saw on TV.

II. WO 99/35845 (“Wugofski”) as Compared With the Invention

Contrary to the instant invention, the Wugofski reference teaches a searchable TV guide that displays websites related to a searched TV program. *See, e.g.*, pg. 7, lines 4-9. But such websites were neither searched by the user nor broadcast on TV. *See, e.g., Abstract* (“the system automatically displays a list of relevant websites for a given channel or program . . .”). *See also* pg. 6, line 20 – pg. 7, line 17.

Wugofski uses the TV program “*Seinfeld*” as an example. Once the channel number, date and time are entered, Wugofski’s database identifies the program as “*Seinfeld*,” similar to how one would find the TV program via a printed TV guide. Pg. 6, line 29 – pg. 7, line 3. Upon finding the “*Seinfeld*” program, Wugofski’s database continues a secondary search not requested by the user, and provides website address specifically related to the “*Seinfeld*” program, or “www.Seinfeld.com, www.NBC.com, and www.comedy.com.” Pg. 7, lines 4-9. Contrary to the subject invention, these websites were not broadcast on TV, but **forcibly** provided by Wugofski’s database as related “computer services” to the TV program. *Id.*

Furthermore, as evident from the telephone discussion between the Examiner and Applicant’s attorney Karry W. Wang on August 3, 2007, the Examiner misunderstood the limitation “a location where the user received the television broadcast of the web site address” as recited in the claims. Somehow the Examiner concluded that “a location” includes a website. Such an interpretation is not supported by the Specification, nor is it

a “plain meaning” of the word. In addition, it has been long established that an Applicant may be his own lexicographer and define any word as provided in the Specification. *See, e.g.*, pg. 5, third line from the bottom of the Specification (“... the location or city where the listener was located . . .”). Notwithstanding of the above and without acquiescence in the Examiner’s reasons for rejections, however, Applicant has amended Claims 1 and 5 to recite a “physical location” to more particularly and distinctly set forth the patentable subject matter of the present invention. As set forth in detail above, the amendment is fully supported by the Specification and, accordingly, no new matter is believed to be added by way of the amendment.

V. Response to Rejections Based on 35 USC § 102 and § 103

The Examiner rejected claims 1-3, 5, 7 and 8 as allegedly being anticipated by WO 99/35845 (“Wugofski”). In addition, the Examiner rejected claims 4 and 6 as allegedly being unpatentable over Wugofski in view of USP 5,895,462 (“Toki”). Applicant respectfully disagrees.

The Examiner rests the bulk of his reasons for rejection upon the teachings of Wugofski, stating that Wugofski “specifically teaches accessing networked television program services particularly websites about specific television channels or programs.” Applicant does not disagree with the Examiner. However, such teachings are of a non-analogous art.

As explained above, the present invention does not teach searching of TV programs. Rather, the present invention teaches a directed search for a product or service included in a website which is advertised on TV, which the user had already seen. The present invention solves the problem where a user saw something of interest on TV but could not remember what it was at a later time. The directed search assists the user to use guided search parameters such as the time of the TV broadcast and channel number, etc., in order to find the subject of interest as advertised on TV.

As such, Wugofski does not teach at least the following limitations as recited in the claims:

1) “. . . providing to the user a search response including one or more **broadcast on television . . .**” (emphasis added). As set forth above, none of the website addresses provided in the example used in Wugofski was actually broadcast on television.

2) “. . . providing directed search **for** a web site address broadcast on television . . .” (emphasis added). As set forth above, users of Wugofski’s database do not search for any websites. The websites as related to the TV program of interest are provided forcibly by Wugofski’s database in order to increase exposure of the websites.

3) “. . . a physical location where the user received the television broadcast of the web site address . . .” As set forth above, a “physical location” as recited in the amended claims is not a search parameter used by the Wugofski search system.

Therefore, Applicant respectfully submits that Wugofski not only does not anticipate the present invention, but it cannot be properly combined with other references to render the present invention obvious.

Accordingly, it is respectfully submitted that the Examiner’s rejections have been properly overcome, and that the application is fully in condition for allowance. A notice to that effect is earnestly solicited.

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Amdt. Dated August 20, 2007
Reply to Office Action of May 18, 2007

The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview may be useful for any reason.

Respectfully submitted,

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